

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

No. 7:05-CR-00050-F-1

No. 7:15-CV-00067-F

CARLOS IVAN RADALES VELASQUEZ,)

Petitioner,)

v.)

UNITED STATES OF AMERICA,)

Respondent.)

ORDER

This matter is before the court following Petitioner's failure to comply with the court's August 18, 2015 Order directing him to show cause why this action should not be dismissed for failure to prosecute.

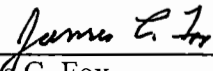
On April 7, 2015, Petitioner filed a motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255. Petitioner's filing did not substantially follow the form appended to the Rules Governing § 2255 Proceedings and therefore was not in compliance with Rule 2(c) of the Rules Governing § 2255 Proceedings and Local Civil Rule 81.2 of this court. An order [DE-61] was entered on April 7, 2015, directing Petitioner to return the appropriate form within twenty-one (21) days from the filing of the order. The order advised Petitioner that failure to return the appropriate form may result in the dismissal of this action. Petitioner failed to comply. On August 18, 2015, an order [DE-62] was entered which directed Petitioner to show cause why this action should not be dismissed for failure to prosecute. Petitioner's response was due in twenty-one (21) days. Petitioner was advised that failure to respond would result in the dismissal of his § 2255 action. Petitioner failed to respond.

Because Petitioner has failed to comply with the court's August 18, 2015 Order directing him to show cause why this action should not be dismissed for failure to prosecute, his § 2255

action will be dismissed without prejudice to renew.

SO ORDERED.

This the 11 day of September, 2015.



James C. Fox
Senior United States District Judge